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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,550	03/01/2004	Karl-Friedrich Laible	2001P14032WOUS	3749

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BSH HOME APPLIANCES CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
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EXAMINER

TRAN, HANH VAN

ART UNIT	PAPER NUMBER
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3637

MAIL DATE	DELIVERY MODE
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12/28/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/791,550	Applicant(s) LAIBLE ET AL.	
	Examiner Hanh V. Tran	Art Unit 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6,7 and 9-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-7, 9-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/01/2007 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 6-7, 9, and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by USP 6,471,313 to Ueda et al.

Ueda et al discloses a refrigerating appliance housing comprising all the elements recited in the above listed claims including, such as shown in Fig 20, a wall having an opening 56 formed therein, a reinforcing part 14 having a hole 55 formed therein and disposed with said hole 55 overlapping said opening 56 of said wall, a destructible layer 51 disposed between said wall opening 56 and said reinforcing part hole 55, said destructible layer 51 covering said wall opening 56 and said reinforcing

part hole 55, said wall and said reinforcing part being connected to each other by a clinch connection 15 made without substantial heating of at least one of said wall and of said reinforcing part, which might damage said destructible layer, and a distance of said connection from said opening being sufficient that said destructible layer is secured against any substantial offsetting to uncover said wall opening 56 or said reinforcing part hole 55 and that an uncovering of said opening 56 covered by said destructible layer 51 by contact of said destructible layer 51 with said connection is excluded, wherein said connection extends through said destructible layer.

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:
 1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
6. Claims 6-7, and 9-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over USP 2,845,320 to Saunders et al in view of USP 6,036,293 to Anell and USP6,471,313 to Ueda et al.

Saunders discloses a refrigerating appliance comprising all the elements recited in the above listed claims including: a housing having a wall, said wall having an opening formed therein and disposed on a front side of the housing to receive a fastener 37 for mounting a hinge (such as shown in Figs 4-5 & 7-8); a reinforcing part 21 having a hole formed therein and overlapping said opening of said wall; a hinge 36 attached to said reinforcing part 21; and a door 12 attached to said hinge. The differences being that Saunders et al fails to disclose a destructible layer disposed between and directly contacts said wall and said reinforcing part, said destructible layer covering said wall opening and said reinforcing part hole; a clinch connection formed in said wall outside of said wall opening and connecting said wall and said reinforcing part to each other, wherein said clinch connection is made without substantial heating of at least one of said wall and of said reinforcing part.

Anell teaches the idea of securing a reinforcing part 7 to the wall of a refrigerator housing by a clinch connection (col. 5, lines 2-6) in order to securely hold the reinforcing part 7 to the refrigerator housing wall. Ueda et al teaches the idea of providing a refrigerator housing wall with a destructible layer disposed between and directly in contact with a wall and a reinforcing part of a refrigerator housing, wherein the destructible layer covers openings in the refrigerator housing wall in order to prevent foam heat-insulating material from escaping through said openings during filling of the foam heat-insulating material into said housing wall. Therefore, it would have been obvious to modify the structure of Saunders et al by providing a destructible layer disposed between and directly contacts said wall and said reinforcing part, said

destructible layer covering said wall opening and said reinforcing part hole in order to prevent foam heat-insulating material from escaping through said openings during filling of the foam heat-insulating material into said housing wall, as taught by Ueda et al, and a clinch connection formed in said wall outside of said wall opening and connecting said wall and said reinforcing part to each other, wherein said clinch connection is made without substantial heating of at least one of said wall and of said reinforcing part in order to securely hold the reinforcing part to the refrigerator housing wall, as taught by Anell, since the references teach alternate conventional refrigerator housing structure, used for the same intended purpose, thereby providing structure as claimed.

In regard to the limitation in (1) claim 6 of a distance of said connection from said opening being sufficient that said destructible layer is secured against any substantial offsetting to uncover said wall opening or said reinforcing part hole and that an uncovering of said opening covered by said destructible layer by contact of said destructible layer with said connection is excluded, (2) claims 7, 11-12, and 14, it is inherent that Saunders et al, as modified by Anell and Ueda meets said claimed limitations.

Response to Arguments

7. Applicant's arguments filed 10/1/2007 have been fully considered but they are not persuasive. In response to applicant's argument on page 5 that Ueda fails to disclose a clinch connection as in claim 6, the examiner respectfully takes the position that the limitation "clinch connection" fails to provide adequate structural limitations to

the claim in order to distinguish from the connection of Ueda, since a clinch connection can be defined as fastening objects together by nails, screws, etc.

8. Applicant's arguments with respect to claims 12-13, and Jenkins in view of Ueda have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Mauer et al, Schmit et al, Obrecht et al, and Durazzani all show structures similar to various elements of applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh V. Tran whose telephone number is (571) 272-6868. The examiner can normally be reached on Monday-Thursday, and alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



HVT
December 26, 2007

Hanh V. Tran
Art Unit 3637